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BETTY ANNE WATERS, as)	
Administratrix of the Estate of)	
KENNETH WATERS,)	
)	Case No. 04 10521 (GAO) (JGD)
Plaintiff,)	
v.)	
)	JOINT MOTION TO AMEND
TOWN OF AYER, NANCY TAYLOR-)	SCHEDULING ORDER
HARRIS, in her individual capacity, ARTHUR)	
BOISSEAU, in his individual capacity,)	
BUDDY DECOT, in his individual capacity,)	
WILLIAM ADAMSON, in his individual)	
capacity, PHILIP L. CONNORS, in his)	
individual capacity, and JOHN DOE and JANE)	
DOES 1-16, in their individual capacities,)	
)	
Defendants.)	
)	

Pursuant to Rule 16, Plaintiff Betty Anne Waters, and the Town of Ayer Defendants (collectively, “the parties”), by counsel, jointly move that the scheduling order be amended in this action.

There is good cause for this application, as a significant amount of discovery remains to be conducted despite the parties' diligent efforts. All of the individual defendants have now been deposed, as have the plaintiff, the trial prosecutor and Rule 30(b)(6) representatives of the Town and the District Attorney's Office. Several additional depositions have been noticed. However, the parties are still exchanging documentary discovery, negotiating disputes and preparing discovery motions, identifying additional witnesses for depositions, and awaiting the production of materials (and briefing) from the District Attorney's and State Police files from the

post-*nolle* investigation pursuant to Judge Dein's December 1, 2006 oral order compelling the production of documents.

As such, the parties propose the following amended schedule, which adds five months to the existing schedule:

1. Fact discovery to be completed by May 18, 2007;
2. Plaintiff's expert disclosures by July 2, 2007;
3. Defendants' expert disclosures by August 3, 2007;
4. Expert depositions by September 4, 2007;
5. Dispositive motions filed by November 2, 2007;
6. Responses due by December 7, 2007;
7. Replies, if any, due by December 28, 2007.

Finally, in light of Judge Dein's order of December 1, 2006 on the motion to compel as well as this application, the parties move that the status conference set before Judge O'Toole for December 19, 2006, be recalendared.

Dated: December 5, 2006
New York, NY

PLAINTIFF BETTY ANNE WATERS

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Dated: December 5, 2006
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